

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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THE ESTATE OF TONYA K. MEALMAN

*Plaintiff,*

Case No. 21-CV-820

v.

WISCONSIN MUNICIPAL MUTUAL  
INSURANCE COMPANY, et al.,

*Defendants.*

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**PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

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The Estate of Tonya K. Mealman, by its attorneys, Strang Bradley, LLC, moves the Court for leave to file its second amended complaint under Fed. R. Civ. P. 15(a)(2). A copy of the proposed second amended complaint, a brief in support, and a declaration of John H. Bradley are filed concurrently with this motion.

The second amended complaint differs from the first amended complaint in three primary ways. First, it removes three defendants, Chris Patterson, Jessica Denissen, and Diane Jensen. Second, it conforms the Plaintiff's allegations to information learned in discovery, including detailed information in response to Wellpath Defendants refusal to answer discovery request claiming that Plaintiff pleadings were not specific enough. And third, it explicitly states that Plaintiff is seeking an award of punitive damages against Wellpath.

The Court should grant this motion because the second amended complaint merely conforms Plaintiff's pleadings to what has been learned in discovery. And counsel for Wellpath, who was not involved in this case during the majority of discovery and depositions, currently refuses to answer Plaintiff's discovery questions claiming Plaintiff "ha[s] not plead any claim related to the alleged profit motives of Wellpath" and "plaintiff cannot simply rely on broad, conclusory allegations in the complaint" and that Plaintiff has "not plead anything that would put Wellpath on notice to defend such a claim [for punitive damages] and you have not made such a claim on its face." The defendants are not prejudiced by the amendment: (1) the case is still in the discovery phase and additional depositions remain to be taken in this case; and (2) the Court will set a new scheduling order establishing a deadline for completion of fact discovery after full briefing and a decision on the contemporaneously filed motions to compel filed by Plaintiff.

Respectfully submitted,

Dated: 13 March 2024

/s/ John H. Bradley  
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